

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SANDRA LANDWEHR, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

AOL INC.

Defendant.

Case No. 1:11-cv-01014-CMH-TRJ

AOL INC.'S MOTION TO DISMISS

Defendant AOL Inc., by counsel, hereby submits this Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice.

Dated: December 19, 2011

Respectfully submitted,

AOL Inc.

By Counsel

/s/

John D. Wilburn (VSB No. 41141)
Amy Miller (VSB No. 70698)
McGUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, Virginia 22102
Telephone: (703) 712-5481
Facsimile: (703) 712-5287
jwilburn@mcguirewoods.com
amiller@mcguirewoods.com

Phillip C. Chang (VSB No. 75741)
McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Telephone: (202) 857-1747
Facsimile: (202) 828-3310
pchang@mcguirewoods.com

Joseph Serino, Jr.
Andrew G. Horne
David S. Flugman
All admitted pro hac vice
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
joseph.serino@kirkland.com
andrew.horne@kirkland.com
david.flugman@kirkland.com

Attorneys for AOL Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

Steven J. Toll (VSB No. 15300)
Daniel A. Small
Benjamin D. Brown
Emmy L. Levens
COHEN MILSTEIN SELLERS
& TOLL PLLC
1100 New York Avenue NW, Suite 500
West
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
stoll@cohenmilstein.com
dsmall@cohenmilstein.com
bbrown@cohenmilstein.com
elevens@cohenmilstein.com

Daniel E. Gustafson
Daniel C. Hedlund
Michelle J. Looby
Joseph C. Bourne
GUSTAFSON GLUEK PLLC
650 Northstar East
608 Second Avenue South
Minneapolis, Minnesota 55402
Tel: (612) 333-8844
Fax: (612) 339-6622
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com
jbourne@gustafsongluek.com

/s/

Amy Miller (VSB No. 70698)
MCGUIREWOODS LLP
1750 Tysons Boulevard
Suite 1800
Tysons Corner, Virginia 22102
Telephone: (703) 712-5079
Facsimile: (703) 712-5193
amiller@mcguirewoods.com

Attorney for AOL Inc.